

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951
judiciary.house.gov

June 14, 2022

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

We continue to investigate the Biden Administration's misuse of federal law-enforcement resources to target concerned parents. Since October 2021, we have sent nearly 100 letters to Departmental components requesting documents and information related to this investigation.¹ To date, we have received only two half-page responses from your Department, and none of the requested documents or substantive information. New information from the National School Boards Association (NSBA) shows that Justice Department employees coordinated with the White House well in advance of the NSBA's letter and likely knew—and raised no concerns—that the NSBA letter would urge the use of the Patriot Act to target parents.

On May 20, 2022, the NSBA released a third-party report it commissioned to examine the events surrounding its September 29, 2021, letter to President Biden.² This review offered startling new evidence of how the Justice Department coordinated with the White House to target concerned parents. On September 21—eight days before the NSBA letter—Mary Wall, a Senior Policy Advisor to President Biden, emailed NSBA's Interim CEO and Executive Director Chip Slaven asking:

¹ See Letter from Rep. Mike Johnson et al, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (Oct. 13, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (Oct. 25, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Mr. E. Bryan Wilson et al, Acting U.S. Atty, District of Alaska (Nov. 1, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Mr. Mark Lesko, Acting Assistant Atty Gen., Nat'l Sec. Division, U.S. Dep't of Justice (Nov. 2, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 3, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (Nov. 16, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 18, 2021); Letter from Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Feb. 10, 2022); Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (May 11, 2021).

² *Final Report On the Events Surrounding the National School Boards Association's September 29, 2021, Letter to the President*, NATIONAL SCHOOL BOARDS ASSOCIATION (May 20, 2022) [hereinafter NSBA Final Report].

Is there any way we can take a look at the letter in advance of release? In specific, I'm meeting w colleagues from other WH offices and DOJ tomorrow morning to see if there might be any options we can pursue here, so if **you have concrete recommendations in your letter** (e.g. the threat assessment you mentioned), would be good to know so I can include in discussions.³

In response, Slaven emailed Wall a detailed summary of the contents of the letter, which included specific language about the Patriot Act and the use of domestic terrorism tools.⁴ The NSBA-commissioned report concluded that “White House officials discussed the existence of the [NSBA] Letter, its requests, and the contents of the Letter with Department of Justice officials more than a week before the Letter was finalized and sent to President Biden.”⁵ In other words, Justice Department officials knew that the NSBA would encourage President Biden to invoke the Patriot Act and domestic terrorism resources against parents, and the Justice Department apparently raised no concern about this effort.

The NSBA-commissioned report also uncovered communications between Justice Department employees and NSBA staff prior to the release of your October 4 memorandum that directed federal law enforcement to target America’s parents. The report found that on October 4 a Department employee contacted Slaven “about steps the Department could take to address the threats referenced in the letter.”⁶ Justice Department officials and Slaven had a call that afternoon, after which Alivia Roberts, Special Assistant to the Director of Public Affairs, followed up with an email to Slaven that included an advance copy of your memorandum as an attachment.⁷

During your sworn testimony before the Committee in October, you testified that you had no awareness of whether your employees communicated with the White House or the NSBA in advance of your memorandum.⁸ It is now abundantly clear from the NSBA-commissioned review that your memorandum was the product of weeks of discussions between the Justice Department, the White House, and the NSBA. Your failure to correct the Committee’s record over the past six months calls in to question your commitment to candor before the Committee, especially in light of our repeated inquiries to you and the evidence showing that the FBI targeted parents despite your statement otherwise.

³ E-mail from Ms. Mary Wall, Senior Policy Advisor to the Pres., Exec. Office of the Pres., to Mr. Chip Slaven, Interim CEO & Exec. Dir., Nat’l School Boards Assoc. (Sept. 21, 2021 10:10 PM) (emphasis added).

⁴ E-mail from Mr. Chip Slaven, Interim CEO & Exec. Dir., Nat’l School Boards Assoc., to Ms. Mary Wall, Senior Policy Advisor to the Pres., Exec. Office of the Pres. (Sept. 21, 2021 11:26 PM).

⁵ NSBA Final Report at 2.

⁶ *Id.* at 46.

⁷ E-mail from Ms. Alivia Roberts, Special Assistant to the Dir. of Public Affairs, U.S. Dep’t of Justice, to Mr. Chip Slaven, Interim CEO & Exec. Dir., Nat’l School Boards Assoc. (Oct. 4, 2021 4:59 PM).

⁸ *Oversight of the United States Department of Justice: Hearing Before the H. Comm. on the Judiciary*, 117th Cong. at 92 (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice).

The NSBA-commissioned report shows serious collusion between the Biden Administration and the NSBA to create the justification to use the heavy hand of federal law enforcement against concerned moms and dads advocating for their children's future. Committee Republicans will not let this matter rest. We are committed to fully examining the Biden Administration's use of counterterrorism resources in relation to school board meetings. We therefore again reiterate our outstanding document requests to the various Departmental components and ask that you produce this material immediately. In addition, we request:

1. All documents and communications between Mary Wall, Senior Policy Advisor to the President, and any Department of Justice employees referring or relating to the National School Boards Association's letter dated September 29, 2021; the Attorney General's memorandum dated October 4, 2021; or alleged threats or violence at school board meetings; and
2. All documents and communications between Department of Justice employees and National School Boards Association staff, officers, and/or executive board members, including but not limited to the communications sent or received by Anthony Coley, Senior Advisor to the Attorney General, and Alivia Roberts, Special Assistant to the Director of Public Affairs.

Because you are still months-delinquent in fulfilling our earlier oversight requests, please provide this information immediately.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member




Steve Chabot
Member of Congress



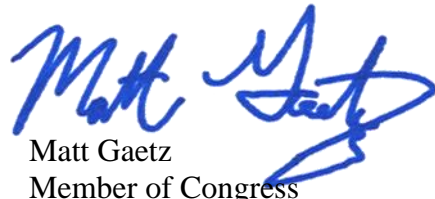
Louie Gohmert
Member of Congress



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



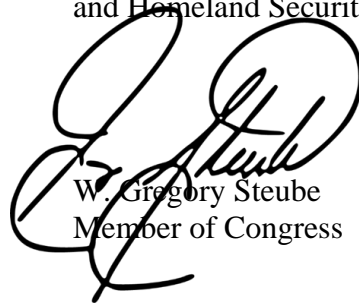
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



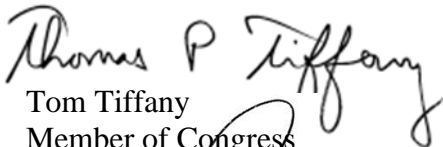
Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



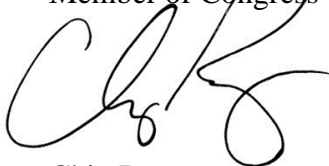
W. Gregory Steube
Member of Congress



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Thomas Massie
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Victoria Spartz
Member of Congress

The Honorable Merrick B. Garland

June 14, 2022

Page 5



Scott Fitzgerald
Member of Congress



Cliff Bentz
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman